

S.B.CRIMINAL MISC. BAIL APPLICATION NO.3673/2006

Date : 30.08.2006

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. Ramesh Guleria for the applicant.

Mr. Vishnu Kachhawaha, Public Prosecutor for State.

I have heard learned counsel for the applicant as well as the learned Public Prosecutor for the State and carefully gone through the impugned order.

The contention of learned counsel for the applicant is that the place from recovery is effect is in joint possession and the offence is triable by the Magistrate, therefore, the applicant may be given benefit of anticipatory bail.

On the other hand, learned Public Prosecutor has opposed the bail application.

Taking into consideration the overall facts and circumstances of the present case and the fact that in this case liquor is alleged to have been recovered from the house

of the accused applicant and investigation is pending, I do not find it to be a fit case to extend benefit of anticipatory bail to the applicant. Accordingly, the bail application moved by the applicant under Section 438 Cr.P.C. is rejected.

(SATYA PRAKASH PATHAK), J.